



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

213

CRM-M-18579-2025 (O&M)
Date of Decision:- 11.11.2025

Kuldeep Singh @ Mani	...	Petitioner
Versus		
State of Punjab	...	Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Kanish Ganeriwala, Advocate for the petitioner.

Mr. Surinder Jit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.88 dated 05.08.2024 registered under Section 15(B) of NDPS Act, wherein offence under Sections 15(C) and 27 of NDPS Act were added later on at Police Station Gidderbaha, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The recovery of contraband i.e. 55 kilograms of '*poppy husk*' is alleged to be recovered from the car, in which the petitioner along with co-accused was travelling, and the recovered contraband is marginally above than the commercial quantity. The petitioner is in custody for the last more than 1 year and 2 months, he is first time offender and he has clean antecedents and is not involved in any other case. The case of the present petitioner is on similar footings as of co-accused, namely, Dhir Singh, who has already been granted concession of regular bail by this Court vide order dated 15.10.2025 passed in CRM-M-25019-2025.



CRM-M-18579-2025 (O&M)

(2)

Out of 28 prosecution witnesses, only 01 PW has been examined and 01 PW has been given up; all the prosecution witnesses are police officials; the trial will take considerable time to conclude. Thus, petitioner be released on regular bail.

3. On the other hand, learned State counsel has opposed the bail of the petitioner by submitting that the petitioner was apprehended along with co-accused; commercial quantity of alleged contraband i.e. 55 kilograms of 'poppy husk' was recovered from the car in which they were travelling; and drug money of Rs.1,09,000/- has also been recovered from the car. It is admitted that co-accused Dhir Singh has already been granted concession of regular bail by this Court vide order dated 15.10.2025 passed in CRM-M-25019-2025.

4. Heard.

5. Keeping in view the facts and circumstances of the case and the fact that the petitioner is in custody for the last more than 1 year and 2 months and has clean antecedents; out of 28 prosecution witnesses, only 01 PW has been examined and 01 PW has been given up; the recovery of contraband was effected from the car, in which the petitioner along with co-accused was travelling; co-accused Dhir Singh has already been granted concession of regular bail by this Court vide order dated 15.10.2025 passed in CRM-M-25019-2025; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule



CRM-M-18579-2025 (O&M) (3)

and jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Moreover, the Hon’ble Apex Court in **Dheeraj Kumar Shukla Vs. State of UP 2023 SCC Online SC 918** observed that where the quantity recovered from the petitioner is commercial in nature but the petitioner is a first time offender, the rigors of Section 37 of NDPS Act can be relaxed. The relevant para is reads as under:-

“ xxx xxx xxx xxx It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with.....”

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

11.11.2025
Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No